

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|--|---|-------------------------|
| Drubay C. Hall, Jr., #2004-06775, |) | C.A. #2:06-1246-PMD-RSC |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| Joey Preston, Administrator of Anderson |) | |
| County; Robert Daly, Director of Anderson |) | |
| County Detention Center; Arlette Jones, Capt.; |) | |
| NFN Carol Roundtree, Nurse; NFN Morris, |) | |
| Officer; NFN Lollis, Officer, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the court upon the magistrate judge's recommendation that defendants' motion to dismiss be denied except as to defendant Preston. The record includes the report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B). Because petitioner is pro se, this matter was referred to the magistrate judge.¹

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately

¹Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., the magistrate judge is authorized to review all pretrial matters and submit findings and recommendations to this Court.

summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is **ordered** that defendants' motion to dismiss is **DENIED**, except as to defendant Present, who is dismissed from this action.

FURTHER ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court, and this matter is referred back to Magistrate Judge Carr for further handling consistent with this order.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

Charleston, South Carolina
August 14, 2006